**Lecture outline:**

**Role of courts**

The Judicial Branch upholds the rule of law in the following ways:

• holding trials that determine the guilt or innocence of persons accused of breaking the

law;

• resolving disputes involving civil or personal rights;

• interpreting Colorado’s constitution, interpreting constitutional provisions of laws

enacted by the legislature and deciding what is the law of the state when none exists for

certain situations;

• determining whether a law violates the Constitution of the United States or the State of

Colorado;

• providing supervision for offenders placed on probation in lieu of incarceration;

• supervising the licensing and ethical conduct of attorneys; and

• providing appellate court review for decisions of lower courts.

**Independent courts**

• Courts not governed by political powers-that-be

• Independent judge can assure a case will be decided according to the law and the facts,

not shifting political currents

**Two distinct court systems**

• Federal courts

• State courts

o Handle over 95 percent of cases

o Areas of traffic offenses, divorce, wills and estates, buying and selling

property are governed primarily by state laws, so are heard in state courts

• State and federal courts divided into three layers

o Trial courts, where cases start

o Intermediate (appellate) courts, where most appeals are first heard

o Courts of last resort (usually called supreme courts), which hear further

appeals and have final authority in the cases they hear

**Trial courts**

• Some cases settled through alternative dispute resolution

o Mediation and arbitration

o Court-ordered or voluntary

o Can save time, resources, money

• Most cases go through the formal court system

o Criminal cases first filed in trial court of a judicial district

o Misdemeanor offense handled in county court

o Felony offense handled in district court

o Trial or evidentiary hearings on motions done in trial court

**Intermediate appellate courts**

• If defendant is acquitted of a crime at trial, district attorney cannot appeal because

defendant is protected against double jeopardy.

• If defendant is convicted in trial court, may appeal the judge’s decisions and rulings

• Either party can appeal a civil case if there is a legal basis

• Appeals from county courts are done in local district court

• Appeals from district courts go to the Court of Appeals

**Supreme Courts**

• After first round of appeals occurs, either party may ask Supreme Court to review

decision

• Few cases can be dealt with by Supreme Court

• After Supreme Court either issues a ruling on the case or denies the request to hear the

case, either party may ask the U.S. Supreme Court (or sometimes a federal district court)

to review the case if there is federal constitutional or statutory issue involved

• U.S. Supreme Court accepts very few cases for review

**Appellate process**

• Appellate court does not re-try facts of the case

• Appellate court must accept facts that were ruled upon by the trial court

• If jury verdict is returned, an appellate court cannot change a jury’s verdict

• May rule that the trial court committed such errors that the conviction must be reversed

and the defendant given another trial

• Appeals argued in briefs

• Oral arguments may be granted to allow parties to answer questions of the appellate

judges and to give the attorneys a chance to argue their cases directly to justices

• When there is hearing on a motion in trial court, trial court issues findings of fact

• Findings of fact binding on an appellate court when case is reviewed on appeal

• What is argued on appeal is whether trial court erred in applying the law in ruling on an

issue

• If the trial court made a mistake in law, the appellate court sends the case back down to

the trial court with instructions to correct the legal ruling it made

• If defendant received unfair trial because of trial court ruling that the appellate court

disapproved of, conviction reversed and case re-set for trial

**Constitutional issues and rulings**

• Ruling by the U.S. Supreme Court on federal constitutional issue is law of the entire U.S.

• State court can provide more protection under its own state constitution

• Cannot provide less constitutional protection

• Trial courts have to follow the constitution and the same statutes of the state

• Constitution overrides any statutes passed by legislature

• Rulings about law by appellate courts followed by lower courts

• Appellate courts must follow legal rulings of superior appellate courts

• Whole body of appellate law grows consistently as opinions follow the reasoning and

ruling of prior opinions